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ARMY SURVEILLANCE OF CIVILIANS

Mr. ERVIN. Mr. President, over the course of the past few years, the Constitutional Rights Subcommittee has been engaged in a study of computers, data banks, and the impact that Government data gathering has on the Bill of Rights and our legacy of individual liberty and privacy.

These investigations have developed one new revelation after another, some with explosive public impact, and others, equally serious but perhaps of lesser notoriety. Put together, the subcommittee's studies have developed an awesome and threatening picture of increased Government data on thousands of American citizens—a picture which may some day soon amount to what some have called a "dossier society." In this "dossier society," Government would know all about the individual citizen, his habits, his livelihood, his thoughts, his aspirations, his hopes, and his fears. Such a society will not be free.

One of the more ominous revelations of recent months has been the disclosure that the military, primarily the Army, had instituted an organized system of political surveillance of the activities of Americans here in the United States. The story was first revealed by Mr. Christopher Pyle earlier this year. His discoveries were shocking in the extreme. They raised the specter in many minds of unrestrained armed forces interfering with the domestic political life of our country. Such a role has always been anathema to our constitutional system. It is made little less palatable by the suggestion that the civilian leaders of the military were unaware of this activity, or unable to control it if they were aware.

Over the course of time since the Pyle story, there have been many revelations of what this military activity was all about. It has been alleged, for example, that the military was at the conventions in 1968 both in Miami and Chicago. What they did, why they were there, by what authority and by whose order—these are questions as yet unanswered. There have been other allegations of military involvement in domestic affairs which, if true, are no less disturbing.

Now, I regret to inform the Senate that I have received new information which, if true, gives yet more details of the military intelligence activities that have been directed at the American people. I certainly hope that the information I have received is not true, for it suggests that many of the worst fears about the extent of the military surveillance on Americans are borne out.

It also suggests that the motivations behind this surveillance were directly counter to the principle that the Army is controlled by civilian constitutional authority—that it does not have a direct mandate to act independent of the appointed and elected civilian leaders of the country.

As I say, I hope that the information I have received is not true, but I confess that it very well may be true. And it is certainly substantial enough to demand a full explanation from the Army and from the responsible civilian leadership.

I have received information from a former Army intelligence agent that during the course of its surveillance of domestic political activities, the Army was not merely concerned with actions of fringe groups which have demonstrated a predilection for violence or illegal conduct. Nor were they concerned solely with nonestablishment political activities which they thought might develop into or be allied with violent actions. It now appears that the intelligence net was far wider than even this. It appears that Army intelligence, at least since 1968, but probably earlier as well, and up to June of this year at least, was actively covering the activities of individuals and groups against whom no charge of political extremism can possibly be made.

The individuals who were "targeted" for surveillance—spying, in common parlance—include a Member of this body, the junior Senator from Illinois, Mr. STEVENSON; the former Governor of Illinois, now Judge Otto Kerner; a Member of the other body, Congressman ABNER MIKVA; State and local officials; plus well-known political contributors of both parties, newspaper reporters, religious figures, lawyers, and local and national political figures. These are only a few

of the reportedly 800 individuals who were targets of the military intelligence system in only one State, Illinois. The activities were conducted by the 113th Military Intelligence Group which has jurisdiction in what is called region I—the midwest section of the country.

As reported to me, the reason for this surveillance was that the Army could determine the political proclivities of the individuals involved, and forecast their reactions to certain situations. The information was used to predict political behavior, voting patterns, political alliances, and political activities of men who are part of the normal, regular, constitutional, "established" political system of our country. The Army investigated these men during their campaigns for office and while they were in office. It was enough that they opposed or did not actively support the Government's policy in Vietnam, or that they disagreed with domestic policies of the administration, or that they were in contact with or sympathetic to people with such views. Apparently, anyone who in the Army's definition was "left of center" was a prospective candidate for political surveillance.

I believe it is necessary that the Army now disclose to the American people the full details of what they were doing and what they continue to do. It is not enough for them to say that they made a mistake, were bad boys, and will not do it again. They must disclose in full what happened and why it happened and what has been done to insure that it will never happen again. Only by making a full disclosure will the American people be assured that the military will not at some time in the future assume again for itself the role of "defender of the Constitution." That is a military role played all too often in other countries where the democratic traditions are weak and the principle that the military stays out of domestic politics is nonexistent. It is intolerable in the United States.

I hope, Mr. President, that by the time the Constitutional Rights Subcommittee conducts its hearings next February on computers, data banks, and the Bill of Rights, the Army will have finally disclosed all that it has done, and that it

can assure us that it is no longer nappening at any level, whether it be Fort Holabird, the Pentagon, or at some local commander's unrestrained discretion. I hope that the Army will answer to the subcommittee: First, whether local, State, or National political figures, appointed or elected, were indeed ever targets of military surveillance; second, who they were by name; third, why they were investigated; fourth, what kinds of information were gathered, for what purpose, and to what use it was put; fifth, what has become of the information since it was gathered; and sixth, who is the subject of military surveillance now.

Thus far, the explanations I have received from the Army do not disclose the extent to which this activity was conducted, nor the fact that it apparently included American citizens of such standing. I will discuss the recent correspondence I have had with the Army in the next few days. I expect by then to have heard whether or not the activities I have described today did in fact go on. If so, the Army may wish to supplement its recent communications and explain the inconsistencies between these allegations and the statements they have made so far.

Mr. President, the whole sorry story of this military information gathering and intelligence surveillance, serious as it is, should not be allowed to distract our concern from other, more subtle dangers to individual liberty and privacy that arise from less notorious data gathering by the Government. While much public attention is centered on these dramatic examples, there is still the steady increase in what may be characterized as "benign" information gathering and computerization. The end result of a "dossier society" is no less inimical to individual liberty if it comes from uncontrolled and unrestrained computerization of our citizens for benevolent ends such as traffic safety, welfare, improved criminal justice, and other socially beneficial programs. We may rely on an outraged citizenry to end unauthorized military activities, but the more difficult job is to put the new technology of computers under human, legal controls so we do not lose our freedom in the name of greater efficiency. I see an ever-increasing need for a set of legislative principles governing official data banks and the creation of an agency designed to control governmental information programs in the light of the overriding principle of privacy and individual freedom.

Mr. President, no Member of this body has greater admiration for the Army than does the senior Senator from North Carolina. No Member of this body has supported to a higher degree the efforts of the Army to keep itself ready to defend this Nation against any threat from abroad. But the Senator from North Carolina is constrained to say that spying upon the civilian population is not a proper function of the Army of the United States. It cannot be condoned. It cannot be tolerated.

I wish to read to the Senate, with the signature deleted, a letter I have received on this subject. The letter is dated December 7, 1970, and it is addressed to SAM J. ERVIN, U.S. Senator, and reads as follows:

DECEMBER 7, 1970.

SAM J. ERVIN,
U.S. Senator.

DEAR SIR: Last evening, I had dinner with an associate who is presently on active duty with the United States Army. During dinner, my associate, who is a military intelligence officer, asked me if I had ever considered re-entering the Army and making federal service in the Army my career. Since June, 1970, when my military service terminated, I have often contemplated that very question. However, last evening was the first time I found that I had to answer. My answer was as follows: If the present structure of certain elements of the Army, particularly the Military Intelligence Corps, were to be torn down and re-structured, with an emphasis placed upon the supporting of the military community as a whole, as opposed to the present emphasis of those certain elements, I would consider re-entering the Army as an intelligence officer.

For almost five years, August 1965 until June 1970, I was on active duty with the United States Army. From July 1966 until June 1970, I was a military intelligence agent. During that period of time, I took part in and observed a radical change of priorities on the part of the activities of military intelligence.

From 1966 until early 1968, my duties involving the collection of information of an intelligence nature pertaining primarily to targets of a military nature. However, in early 1968, a portion of my duties involved the collection of intelligence information pertaining to individuals and organizations not related to the activities of the military. Until finally in June 1969, my entire effort as a military intelligence agent was directed against individuals and organizations not associated with any military activities. The justification of collecting information of an intelligence nature concerning non-military individuals and organizations was as follows: Certain elements of our society have resorted to illegal methods in order to attain political recognition and eventually their own political goals. These elements have resorted, in many instances, to the use of violence and the infiltration of non-political elements of our society. Such elements represent a direct threat to the existence of the constitutional form of government in the United States and the general well-being of the citizens of the United States. Therefore, all attempts were made to monitor the activities of such elements. Military intelligence was provided with a "blank check" and was allowed to investigate, penetrate, and disrupt

such elements with little or no control, other than that exercised at the local military level.

Beginning in June 1969, approximately 50% of all collection activities targeted against civilian targets were initiated at the local military level. The remaining 50% of such activities were levied upon the local military intelligence commands from the command center at Fort Holabird, Maryland. At one point in October 1969, our collection team in the Chicago area, was collecting information on every individual and organization in the state of Illinois who espoused discontent with the military involvement in Southeast Asia or who openly opposed the Nixon administration's controversial domestic policies, to include elected public officials at the local and federal levels of government. The information was obtained using various means, to include the use of undercover agents, the attendance by military intelligence agents at all public gatherings considered to be of a radical nature, and the direct penetration of organizations opposed to the U.S. Military involvement in Southeast Asia. Once information considered of an intelligence nature was collected, that information was placed in classified military files, with a copy of the information being sent to various other federal agencies and to the command center at Fort Holabird.

In January 1970, I began to openly question the collection of intelligence information by the Army, when that information pertained to non-military organizations and individuals. My superiors justified the collection of such information to me by stating that it was the responsibility of the Army to maintain watch over potentially dangerous organizations and individuals. My Group operations officer once informed me that civilian agencies such as the FBI and Secret Service did not have the availability of personnel as did the Army; and therefore the Army was better staffed to conduct large scale collection operations targeted against the civilian population. In response to my question of what value the information concerning civilians would have to the mission of the Army, my team chief stated, "What does it matter, the information all ends up at the same place."

Senator, I find that I am living in an atmosphere of mistrust. From my experience with the intelligence corps and other governmental investigative agencies I believe that if I were to make a public appearance and espouse my views concerning the US Military involvement in Southeast Asia, or the need for change on the part of the government's stand on campus unrest, my name would find its way to the classified files in some military intelligence office in the United States, and, that the word "radical" would be opposite my name in that file.

It is my understanding that you are presently involved in an investigation of the activities of military intelligence within the confines of the United States. If I may be of any service to your investigation, please feel free to call upon me.

With regard,

(Signature deleted).

EVANSTON, ILL.